

## WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 4, 2016

A regular meeting of the Walpole Planning Board was held on Thursday, February 4, 2016 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; Elizabeth Gaffey, Richard Mazzocca (7:11 p.m.), and Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to approve the minutes of January 21, 2016. Motion seconded by Mr. Nottebart and voted 4-0-0.

**Time Cards:** Mr. Conroy moved to approve the time cards as submitted. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Mazzocca arrived at 7:11 p.m.

**Warren Lane Detention Basin:** Mr. Conroy stated that before the board does a final bond release this detention basin problem needs to be taken care of. Ms. Walker stated the fact that it doesn't drain could be a number of things or maybe because the ground is frozen. Mr. Nottebart asked if Mr. Viano is aware of this and Ms. Walker stated yes.

**Brush Hill:** Mr. Conroy noted that we received a new punch list from Margaret Walker dated January 26<sup>th</sup>. Ms. Walker stated one issue is street trees and that Mr. Hasenjaeger doesn't think he has to do them and he probably needs clarification. Also, he still needs to put a fence up and there is substantial work to be done.

**Commerford's Corner:** Ms. Walker stated they are almost done and updated the board. She stated the bond shouldn't be released until the sewer issues are addressed.

**Olmsted Estates and Roscommon Draft Documents:** Mr. Conroy moved to forward these documents to town counsel for review. Motion seconded by Ms. Gaffey and voted 5-0-0.

**7:15 p.m. Kingswood Estates Continued Hearing:** Atty. Gerald Blair was present to update the board. Mr. Conroy moved to accept an extension of time up to and including May 24, 2016 as per a letter dated February 2, 2016 from Atty. Blair. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to April 21, 2016 at 7:15 p.m. as requested by Atty. Blair.

**7:30 p.m. League School, 250 Moosehill Road Continued Hearing:** Mr. Conroy read an email from John Massauro, High Point Engineering, requesting that tonight's meeting be continued in order to allow them to meet with the Conservation Commission and also granting the board an extension of time. Mr. Conroy moved to accept an extension of time up to and including March 31, 2016 as requested. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to March 3, 2016 at 7:15 p.m.

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**7:32 p.m. Olmsted Estates Modification Continued Hearing:** The applicant was represented by Atty. Johanna Schneider, Rackemann, Sawyer & Brewster, Boston, MA. Also present was John Glossa, Glossa Engineering. Mr. Glossa stated that the changes to the plan were based on Ms. Walker's previous comments. Ms. Walker stated her comments dated January 27, 2016 are the most recent ones. Mr. Glossa stated that the sewer revision to a gravity system is forthcoming. He stated there were four waivers previously granted and Emerald Way. The modified plan has been reviewed by the Sewer and Water Commission. There were no changes to the drainage basins from the original plan and he will submit a letter to the board stating that. The Sewer and Water Commission asked to have the water main looped and he is working with them and the superintendent to make sure this is something they want and that the Water Superintendent agrees this is easily maintainable. Ms. Gaffey stated she talked to John Spillane, a Sewer and Water Commissioner, and he questioned the sewer permit. Atty. Schneider stated that is Roscommon and they will resubmit another letter. Mr. Glossa stated he went in front of them last Monday and talked about Roscommon. Mr. Conroy asked when they file for an extension permit. Mr. Glossa stated they already did one for Olmsted. Mr. Viano stated they have contracted with Weston & Sampson already.

Mr. Conroy read board comments; however, the Fire Department and the Board of Health have not commented yet. Mr. Conroy read comments received from Ms. Dennehy dated February 2, 2016. Mr. Murtagh questioned the waivers and Mr. Glossa stated they are requesting one new one which would allow Emerald Way to be more than 750'. The total length will be 809' from Fisher to the end of Emerald Way. There was a waiver granted on Emerald Way previously and also other waivers granted. Mr. Conroy stated with regard to the waivers, the plan has changed as they went from a dead end subdivision to a free flowing for 28 lots. He feels the Planning Board has to do these again. He brought that up because he doesn't want us to do this wrong. Also, the Olmsted property is in question if the board feels they wanted 46'. Mr. Conroy discussed a letter dated January 19, 2016 from Atty. Johanna Schneider, Rackemann, Sawyer & Brewster regarding modifying a previously endorsed subdivision which was discussed at the December 17<sup>th</sup> meeting. Mr. Conroy stated he decided to check out the various case law that Atty. Schneider cited in her letter and stated he found discrepancies, such as wrong case numbers and misspelled names of cases. Mr. Conroy discussed two of the cases, Wall v. Westwood and Patelle v Woburn. Atty. Schneider stated she was impressed that a lay person went through her letter and feels that he is discussing the wrong principle. The reason is for an appropriate review. Mr. Conroy stated she sent it to the Board and felt as a board member he should review these cases. She will not litigate this hearing and feels if town counsel was here we could discuss it. Mr. Conroy stated he knows how to read numbers.

Mr. Conroy asked for public comments. Joe Moraski, Precinct 8 questioned the filing fees. Ms. Dennehy had said the \$1,000 covers that. He asked if that will be accepted by the Planning Board as the fee or does that have to be voted

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on. Mr. Conroy stated he was going to vote that after public comments. Mr. Moraski feels this is a substantial change they are requesting. He asked how the Planning Board would decide if a modification was substantial or not. Mr. Conroy stated that once a public hearing is closed, it is \$1,000. He feels closing is one thing and approving and recording is another. We are changing this so that any lay man can read this and know exactly what they are paying. The board will have to decide if Ms. Dennehy is correct. Mr. Moraski stated the December 18<sup>th</sup> minutes talk about the fees. He is not sure if it is \$1000 or a higher amount. Mr. Conroy stated if he was doing the modification, he would have excluded everything else and just done those lots, but they put everything in play. It took as much time to go back. Mr. Moraski stated that the meetings with Roscommon and Olmsted Estates get very confusing. It was mentioned in an opening meeting that town counsel would be attending Planning Board meetings and her attendance would be paid for by the applicant. Is that correct? Mr. Conroy stated no, only Roscommon, but we do have another letter that will be read later. Mr. Moraski stated that according to Mr. Glossa there are three other waivers and he asked the reason for these. Mr. Conroy stated there is a requirement for a 40' scale, but if they used that they would need two pages; therefore, we allowed this so it would be on one page. We will vote the waivers individually. Mr. Moraski asked if this subdivision is subject to the phasing bylaw and Mr. Conroy stated yes, every subdivision in town is. There were no further comments.

Atty. Schneider stated they are only asking for one waiver in connection with this modification. They are asking for 767' to 809'. Three lots are being changed and a minor extension of the road. Mr. Conroy stated we have a plan that will be recorded. He asked if that will trump the other one and Atty. Schneider stated yes. She stated the Planning Board decision is going to look at the original subdivision approval and the modification decision. Mr. Conroy stated the plan scale doesn't matter, but the 40' does. He feels we need a board vote as to whether or not we accept that change or not. Atty. Schneider asked if the board is going to reopen waivers that were already decided with the original subdivision approval. Mr. Conroy stated he feels the dead end and now the fact that there is a connection, it will be voted by the board. They can take it up as a waiver or let it be. This was printed out a year and three months ago. This is a cul-de-sac with a future connection. There is no guarantee it will never go through. As far as the waivers, it will be up to the board. Atty. Schneider stated Ms. Dennehy already addressed the fees in her letter. They did make a good faith effort and did pay the \$1000. It is their understanding that with the High Oaks subdivision, they were only charged \$100. Mr. Conroy stated we never changed the road. It was a ballfield and a deal with Walsh, but the lot changed, not the subdivision. It was supposed to be a ballfield and we had to modify the decision. Atty. Schneider stated she appreciates the explanation. Mr. Conroy stated he paid in 1996 and 1997 and paid again.

Mr. Mazzocca moved to accept the \$1000 based on Ms. Dennehy's memo. Motion seconded by Mr. Murtagh and voted 4-1-0 (Mr. Conroy voted in the negative).

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Mr. Murtagh agreed with Item #4 in Ms. Dennehy's February 2<sup>nd</sup> memo with regard to the waivers. Mr. Nottebart stated the only waiver to consider would be the additional one. Ms. Gaffey asks if they are in agreement that this trumps the previous plan and Atty. Schneider stated both plans will be on file. Mr. Maccocca moved to confirm the previously granted three waivers, 1, 3, and 4. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Mazzocca asked if the new waiver is for the dead end to be 809'. Mr. Conroy asked if that is taking us to the end of the cul-de-sac and Mr. Glossa stated yes, but not to the end of the paved cul-de-sac. Mr. Mazzocca asked if there was a waiver for Olmsted Estates. Based on the last vote, do we need to do a separate vote for the Emerald Way waiver? Mr. Glossa stated only a vote on the Emerald Way waiver. Mr. Conroy stated we did vote that originally. Mr. Glossa asked that this be done at the next hearing as he wants to check it. Mr. Moraski asked if it is the position of the Planning Board to vote while the hearing is open and Mr. Conroy stated yes. The waivers are a different part of the process.

Mr. Conroy stated we have a request to have town counsel here. The request is dated December 31, but received January 21, 2016. What do you want to do? Atty. Schneider stated they would like her in attendance. Mr. Conroy stated we will not put any legal person on the spot to make a decision on the spot. Also, he told Mr. Viano we would like a check dated 2016, not 2015.

Mr. Conroy moved that that the applicant has requested town counsel be here on their payment at the next meeting. Motion seconded and voted 4-0-1 (Mr. Conroy abstained).

Ms. Gaffey asked why would the applicant pay our town counsel to be here. Mr. Conroy stated they want it to be legal and Mr. Conroy stated they want it to be quicker. Ms. Gaffey asked if that is a conflict and Atty. Schneider stated there is a statutory provision. Motion voted 4-0-1 (Mr. Conroy abstained). Mr. Moraski asked if that allows any communication between town counsel and the applicant and Mr. Conroy stated no, she is here as an observer. Mr. Nottebart stated that Mr. Moraski should be happy they are paying for her to be here. Mr. Moraski wants to keep the word "public" in the public hearing.

Mr. Conroy continued the hearing to March 3, 2016 at 7:40 p.m. He asked Mr. Glossa to get the plans into us ahead of time. Mr. Glossa stated they have already started to revise them now. Mr. Conroy stated that Mr. Glossa will have everything to us by February 11<sup>th</sup> including the corrected plans. He questioned lot ownership for phasing instead of per lot. Atty. Schneider stated there is a record of the specific lot numbers. Mr. Conroy stated that came from Atty. O'Brien. They need to re-do phasing and he is not sure when they will be in for that, February 18 or March 3.

**8:55 p.m. Boyden Estates Subdivision:** Mr. Conroy opened the public hearing. The applicant, Lou Petrozzi, Wall Street Development, was represented by Rob Truax, GLM Engineering. He gave the board the green cards to the board to be checked.

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Mr. Truax stated this subdivision is located at 323 and 327 Summer Street. The existing site is owned by James and Linda O'Brien and Pamela O'Reilly. There is an existing sewer line from Kevin's Way and out to Stoney Brook Road. There are a series of wetlands on the southerly side. They filed an NOI with the Conservation Commission and the first hearing was continued to March. There is no vote yet. They are proposing a seven lot subdivision, one of which is existing. The proposed road is 712' long and each house would have frontage on the roadway. The entire site slopes from Kevin's Way and down toward Stoney Brook and the wetlands. The water line comes in from Summer Street. Everything is a gravity system. Mr. Truax stated they are requesting two waivers; 1) impact study waiver and 2) to reduce the paved width from 26' to 24'. He will be meeting with Ms. Walker and will make revisions accordingly. Mr. Conroy stated you listed 323 and 327, are they involved with this. Mr. Truax stated there are two applications and two Wall Street letters.

Mr. Murtagh stated the green cards are all set. Mr. Conroy read comments that we received including Ms. Dennehy's dated January 26, 2016. Mr. Conroy reminded Mr. Truax they will need to do an ANR and Mr. Truax stated they are ready to submit. Ms. Walker read her comments and stated she would like the documents. Mr. Mazzocca questioned the wetland crossing and asked where is the replication going to be. Mr. Truax stated it will be pulled away from the roadway and put in the back. The Conservation Commission doesn't want it next to the roadway. Mr. Mazzocca questioned if there is a need for a guard rail. Mr. Truax stated it is probably not necessary as it is only 2-3' high. Mr. Mazzocca questioned the street lights and Mr. Truax stated he will do them. Ms. Gaffey asked if they need approval from the Conservation Commission before we can approve this. Mr. Conroy stated not necessarily. If ConCom changes this, they would need to make those changes with us. Ms. Gaffey asked if they are meeting with the Sewer and Water Commission and Mr. Truax stated yes. Ms. Gaffey agrees with Ms. Dennehy on the 26' roadway and feels anything less would be too narrow. Mr. Truax agreed. Mr. Nottebart asked why they want 24' instead of 26'. Mr. Truax stated 26' is really wide and 24' is plenty big enough. The environmental people want less pavement. Mr. Mazzocca asked about the other local towns and Mr. Truax stated 24' is standard. Mr. Mazzocca stated that Wayne Feiden stated that also. Mr. Nottebart stated the topo drops down and asked how much will run down toward Hollowdale or Abbey and will there be drainage problems. Mr. Truax stated everything flows in that direction. Mr. Nottebart asked what kind of curb and Mr. Truax stated sloped granite and vertical on the roundings. Ms. Walker stated the burden is on the developer to give us what is required. Mr. Murtagh agrees with Ms. Dennehy and Ms. Walker regarding the roadway width. He asked if the sidewalk would be impacted and Ms. Walker stated no. Mr. Conroy asked the grade from Summer Street to the end and Mr. Truax stated he has 8' but only 7' is allowed, so he will fix that. Mr. Conroy questioned Boyden Place and Boyden Estates which was a name used by another developer on another subdivision.

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Mr. Conroy asked for public comments.

John Swindlehurst, Jasons Path questioned the width of the street and the waivers that were requested including the street length waiver. He feels there should be granite curbs the whole way and street lights. There are no street lights on Jasons Path and the residents petitioned for them. Also, the sidewalk is 5' wide and there is no grassy strip when the sidewalk is plowed.

Bill Hamilton, Precinct 5 stated there is only one sidewalk and asked why the other is being waived. Mr. Conroy stated we don't need another one to maintain and it doesn't get plowed, so we should get rid of it. He doesn't like a 24' wide surface with no sidewalk and feels it would be better to keep the road at 26'.

Lou Calcagni, 3 Kevins Way asked if there will be houses right behind him in his backyard. He is concerned as he likes the woods behind him. If it is by right, then it is by right. Regarding the street lights on Kevins Way, Peter Commerford never put them in. Ms. Walker stated the issue with street lights on a private way is that the town can't do it on a private street. Mr. Conroy stated that normally everyone has to have an outside light. Also because of where Mr. Calcagni lives, no water will be going that way.

There were no further questions. Mr. Conroy continued this hearing to March 17, 2016 at 7:15 p.m.

**9:45 and 9:46 p.m. Jiten Hotel Special Permit, Route 1, Case #15-14 new hearing Jiten Hotel Site Plan Approval, Case No. 15-15 Continued Hearing:** Mr. Conroy read the Special Permit notice and opened the continued hearing for site plan approval. The applicant was represented by Atty. William O'Connell, Main Street, Walpole and Drew Garvin. Atty. O'Connell stated the request is for impervious cover with respect to the hotel and it will be on town sewer. Mr. Garvin stated they need to meet with stormwater management and DEP requirements. The existing gravel area has no drainage or structures on site. The ground water on site will not be affected. Mr. Conroy asked if they are doing underground discharge and Mr. Garvin stated yes. The water will be collected and treated and then properly discharged back into the ground. Mr. Conroy stated it will eventually run off into the dirt. He read board comments. He asked if there will be a pool on site and Mr. Garvin stated yes inside. Mr. Conroy stated that is not our issue under site plan approval. Mr. Murtagh asked how they are getting along with the abutters regarding plantings and Mr. Garvin stated they met with them to begin the process and talked about plantings. They provided some screening and an elevation change of 15', along with trees and a fence around the perimeter. Mr. Murtagh asked if the abutters are content with what is proposed. Mr. Jiten stated yes and they changed the plan to meet what they wanted. Mr. Nottebart would like the lighting plan looked at to protect the neighbors. He wants them as comfortable as they said they would be.

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John Swindlehurst, 19 Jasons Path stated back in September they met at the Boyden School and almost all of the neighbors came. The primary concern is light pollution. People cut through to tailgate during stadium events. He would like some 6' or 8' fencing and foliage. Mr. Murtagh suggested chain link to make it troublesome for those cutting through. Mr. Swindlehurst is concerned with the retail space and a drive through. Mr. Conroy stated the fence can only be 6'. The drive through is another special permit and they didn't request that. It is not being proposed. He feels the neighbors should be happy the property is being utilized. Also, the building will block some of the Route 1 noise. Mr. Murtagh stated the trains keep them awake. Mr. Swindlehurst stated you can hear them all night. Mr. Jiten stated they will try and control people as much as they can. Ms. Walker stated that most of her concerns are site plan related. She put arrows on her report for items she would like as conditions of approval. They also have a couple of more changes to make.

Bill Hamilton, Precinct 5 stated at the last meeting it was said we would collect room tax. Mr. Conroy stated that is not us. Mr. Hamilton stated it never passed at town meeting and he would oppose that room tax. He is also opposed to allowing more of the land to be impervious than what is allowed. The board is relying on someone hired by the developer. We have no one in town who is an expert in hydrology. He feels we should have Weston and Sampson look at the plans before we issue a special permit. When they were in front of Sewer and Water they said they were applying for a federal grant. Mr. Jiten stated no they are not. Mr. Conroy stated that Weston & Sampson was hired by Sewer and Water, not us. All the boards have commented and there is no problem. Ms. Walker has her PE and has been doing this for ever and she is our agent. Ms. Walker stated 100% of the run-off is being treated and going back in the ground. Mr. Conroy stated if nothing was built there, where the water is going now. Mr. Garvin stated right now a portion goes onto Route 1. Mr. Conroy stated it is worse the way it is. Mr. Hamilton stated it will be interesting to see if we have water going on to Route 1 after this is built. Ms. Gaffey asked what percentage is impervious cover and Mr. Garvin stated 69%. Ms. Gaffey asked if there are two driveways, one in and one out. Mr. Garvin stated you can enter and exit both; they will not be one way. Ms. Gaffey asked if there will be any parking in the back by the trees and wall. Mr. Garvin stated yes, 11 spaces. They would like the abutters to have some type of buffer. Mr. Marzocco asked if there are any other areas in town similar to this with regard to recharge. Mr. Murtagh stated Big Y. Ms. Walker agreed and stated the whole parking lot is recharge area. Mr. Conroy stated Minuteman had one. Ms. Walker explained how that works and that they have to be inspected. Sewer and Water use to do that but they don't any more. Mr. Mazzocca stated this looks like an excellent project and Ms. Walker and Sewer and Water need to be comfortable with it. Mr. Conroy stated they some plan corrections. Ms. Walker stated most of her comments can be conditions of approval.

Mr. Conroy moved to accept and extension of time up to and including February 29, 2016 for both site plan approval and special permit as per Atty. O'Connell. Motion seconded by Mr.

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Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to February 18, 2016 at 7:15 p.m. for both the special permit and site plan approval hearings.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/18/16